## EXTENSION OF THE GOODYEAR PATENT.

DECISION OF THE COMMISSIONER.

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the sect of 1839, feature to machet and very difficult class of cases in which the foreign letters patent near another pates of the deep day and the problems of the problems to be not advocatory of, but "additional" to it, it must, upon the sounded principles of the problems to be not advocatory of, but "additional" to it, it must, upon the sounded principles of the problems to be not advocatory of, but "additional" to it, it must, upon the sounded principles of the problems of the problem

sion, he has excluded two items of expenditure which I am well satisfied should have been retained. The first is for \$13,310, and is not allowed because for disbursements for \$13,310, and is not allowed because for disbursements occurring before the invention or discovery was made. The act of Congress directs an inquiry into the "loss and profit in any manner accruing to him (the inventor) from and by reason of said invention." Whether we consult the letter or reason of the law, I entertain no doubt but that expenditures made in the progress of experiments preceding the invention, but booking to it, are as clearly chargeable to the patent as those made afterward, either in perfecting it or introducing it into use. The other item is for \$46,084 46, as set forth in exhibit No. 2, and 1 am at a loss to perceive any sufficient reason for its repreceding the invention, but looking to it, are as clearly chargeable to the patent as those made afterward, either in perfecting it or introducing it into use. The other item is for \$46,084 46, as set forth in exhibit No. 2, and I am at a loss to perceive any sufficient reason for its rejection. The applicant alleges expressly in his sworn statement that the whole of this sum "was expended by him in perfecting his said invention and bringing the same into use." De Forest, who advanced the money, and who holds the drafts specified in the exhibit, when interrogated on the point, says explicitly that it was applied by the applicant to "experiments in developing his improvements and new applications, and branches of the India rubber manufacture:" and this statement is uncontradicted. The fact averred, and not denied, that De Forest has not been reimbursed these advances, which constitute a subsisting debt on the part of the applicant, furnishes no argument against their being charged to the patent. All moneys expended upon the invention and its introduction into use are properly so chargeable, no matter whence or how obtained. Restoring, then, these items, and adopting the other corrections of the examiner, there will still remain to the credit of the invention a clear profit of \$54,733 63. The applicant, in his amended statement, acting under the promptings of the same high sense of honor which led him to satisfy an indebtedness of \$35,000 from which he had been discharged by a certificate of bankruptcy, shrinks from debiting the patent with any expenditures the particulars of which he cannot recall with some degree of certainty, but, while doing so, unhesitatingly expresses the bellief that they were quite as large as the sams set forth in gross in the first account. It is probable—indeed, in view of the whole testimony, it is my firm conviction—that if it were possible to extract from the tangled mazes of the multifarious and now half-forgotten transactions connected with the invention all the moneys expended t

his merit—the same in kind with that of the most illustrious inventors who have appeared in the world, and by that of but few of them surpassed in degree. It is a figure of speech—but an exalted mode of expression—which assigns to man any part in the work of croation. In his very best estate he is but a ministering priest at her altar, and when he has reached the highest walk in the drama of intellectual power to which his feeble steps can assend he is still but an humble translator of the languages of nature. It is a fact which singularly increases the credit due to this inventor, that the very path in which he finally achieved success was the one which the experience of the past had taught him to shun. A low degree of heat had been applied to a combination of India rubber and sulphur, and it had metted under it, so that heat—the increased intensity of which consummated the discovery—was the very element which he had felt himself admonished to avoid. The discovery being made, the applicant soon thereafter added white lead to the combination, which rendered it complete, and, assuming that his mission was but begun, he bravely bent himself to the task of surmounting the obstacles which still frowned upon him on every side. These obstacles, so graphically sketched in the testimony, seem to have been almost unprecedented. Capitalists shrunk away from the discovery, so confidently aunounced, as a chimera, and manufacturers who had suffered so deeply by the India rubber business denied it their confidence. Its practicability had to be demonstrated by a long series of illustrations, which the total want of experience rendered protented and often ruinously expensive. Every inch occupied in the enlarging field of its usefulness had to be conquered by many sacrifices, while, of the Protean-formed applications to which it was destined to attain, there was not one that did not involve an outlay of treasure, of toil, and high artistic skill. All these, from the beginning to the present hour, have been bestowed—unceasingly

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would like to borrow and China difficulties

ating from the Palace, shaded by yew trees whose foliago is of deep green, almost black; the varied lighter hues of horse-chestnut; the budding hawthorn, with its crimson flowers, and hundreds of white, yellow, and lilac flowering trees, gave it the aspect of a paradise. You have the climbing jessamine and vines; visitas in which the sun does not obtrude; a maze in which to less yourselves if you have any really nice person in your company; then a lunch at the wayside inn outside the grounds; a drive through Bushy Park, with its eight rows of enormous horse-chestnuts, underneath which the deer are quietly grazing in hundreds; thence five miles through a delightful country, passing Pope's villa at Twickenham, by the famous Star and Garter tavern at Richmond. We are received with such marked attention by a crowd of, remarkably good-looking servants that we begin to believe our fame has preceded us, and are quite prepared to find our last volume of poems on the table; but, alast the sequel proved that their attentions were simply mercenary. Sitting in the third or fourth story of this famous house, you look over thirty miles of the most beautiful country, covered with park; here and there a village or a mansion, it is like a sea of foliage in undulating waves, and of its kind is perfect; here, sitting in the cool breeze, and enjoying the scenery, you may eat a luxurious dinner, with excellent wines, and for about half the cost of the scaly affair at Greenwich. You can return to London at discretion.